

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk
Theodore Miles, Zoning Specialist
Charlene Orton, DPI Administrator*



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Principal Planner
RE: ZP21-0918CA/CU ZP21-213OG
38 Latham Court
Date: June 22, 2021



File: ZP21-0918CA/CU ZP21-213OG

Location: 38 Latham Court

Zone: RL **Ward:** 1E

Parking District: Neighborhood

Date application accepted: April 21, 2021

Applicant/ Owner: G4 Design Studios (Steve Guild) / Mark McGee

Request: Demolish existing garage, construct two story addition with homeowner shop on first floor and home office on 2nd floor. New roof at existing rear single story, new patio door and two new windows.

Background:

- There are no zoning permits on file for 38 Latham Court.

Overview:

The application proposes removal of an existing, 1925 single bay automotive garage and replacement with a two story addition to the single family home. The house and garage are listed on the Vermont State Register of Historic Resources. See attached narrative. Demolition of a historic structure requires Conditional Use review by the DRB.

Part 1: Land Division Design Standards

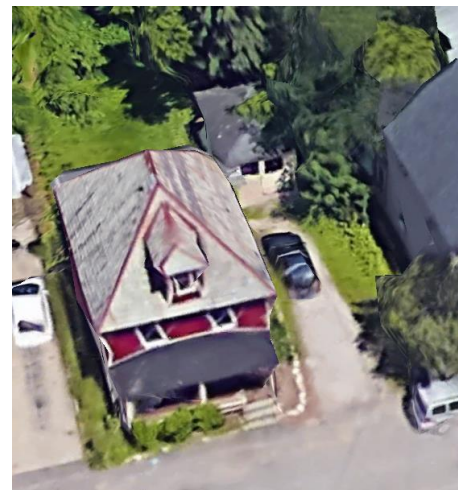
Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

a) Protection of Important Natural Features:

A Google Earth image illustrates mature plantings and trees next to the garage. The applicant will be required to submit a landscaping plan, and, if appropriate, a tree removal plan. Tree removal requires a permit for the following:



Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period.

b) Topographical Alterations:

There is no identified alteration to the topography with the submitted plans.

c) Protection of Important Public Views:

There are no protected important public views from or through this property.

d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, below.

e) Supporting the Use of Renewable Energy Resources:

No part of the application prevents the use of water, wind, geothermal, solar or other renewable energy resources.

f) Brownfield Sites:

38 Latham Court is not an identified Brownfield with the Department of Environmental Conservation. Not applicable.

g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The new entrance to the addition will be under a small pent roof. The newly proposed patio door will be situated under an eaveline, with a modicum of protection from inclement weather.

There is limited room for snow storage north of the driveway unless the garden area may provide such space. South of the driveway has approximately 4'7" that could accommodate snow storage needs.

h) Building Location and Orientation:

No change is proposed to the building orientation; it will continue to front the public way.

i) Vehicular Access:

The existing driveway will remain and continue to serve the single family home. It will accommodate two on-site parking spaces.

j) Pedestrian Access:

There is no public sidewalk on Latham Court. The parcel immediately fronts the public ROW.

k) Accessibility for the Handicapped:

ADA access is not a requirement for single family homes, but is encouraged.

l) Parking and Circulation:

Parking will be located in the existing driveway. Zoning Amendment 20-04 now allows all required parking to be located in a driveway. The swinging barn doors will not accommodate the full allotment of parking required (2 spaces $9 \times 18 = 36'$; driveway $36 \frac{1}{2}'$ long.) Different operation of doors will be necessary to accommodate the two required parking spaces on-site.



m) Landscaping and Fences:

As noted, a landscaping plan shall be required to define tree removal and new plantings.

n) Public Plazas and Open Space:

Not applicable.

o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

No lighting information has been provided. Anticipating the need for lighting at building entrances, fixture information and illumination levels shall be provided prior to review by the DRB.

p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

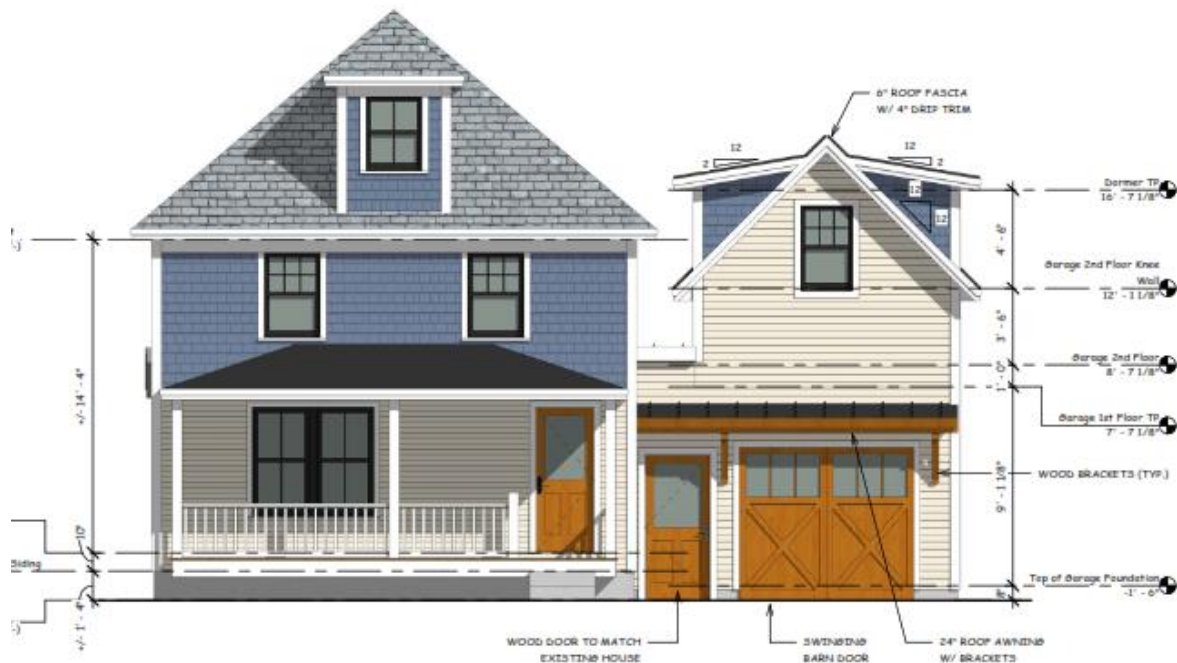
Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

Meters, utility connections, and any mechanical equipment should be illustrated on building elevations or site plan as appropriate.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:



1. *Massing, Height and Scale:*

38 Latham Court has a pattern of two story homes, most gable or hipped roof; many with one story single or two car garages. The garage at 38 Latham is certainly the most intact for its period of construction. The demolition of this “automotive shed” and replacement with a two story residential addition proposes a structure of more significant massing than currently



56 Latham Ct.



48 Latham Ct.



57 Latham Ct.

exists. Its scale is a bit inflated in relation to the principal structure but readable as new.

2. *Roofs and Rooflines.*

The proposed addition suggests a gable roof, but includes full width dormers to maximize all the habitable area under the roof. The style is somewhat awkward and inconsistent with the existing hipped roof residence. The proposed 2/12 pitch is extraordinarily flat, having little resonance with the existing home. A similarly front single-dormered hip may visually bring down the exaggerated height and found to be more compatible with the existing structure.



3. *Building Openings*

The proposed addition has a single double-hung in each gable end, with three windows in each full dormer (north and south). The replacement of two double hung windows in the principal

structure and the addition of a French door are included. See plan A-2.



(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The design introduces the addition as set back from the principal structure; with entrances enjoying an abbreviated pent roof. Materials and colors are intended to be sympathetic with the principal residence.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Clapboard siding and a standing seam roof are intended for the addition. The applicant needs to confirm that the intended roofing is appropriate for the low pitch.

Replacement windows are wood core. Specs for the “north office”, “east shop” “south shop” and “east den” define 8/1 fenestration pattern, while building elevations illustrate 6/1. Confirmation is required.

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

Construction shall adhere to all applicable building and life safety code as defined by the building inspector.

Section 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington’s historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington’s historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city’s historic growth and development, and maintaining the city’s sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

38 Latham Court and its garage are listed individually on the Vermont State Register of Historic Resources. See attached narrative.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Constructed as a single family dwelling, the use shall continue.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

While the original historic residence is not proposed for alteration, the proposed demolition of the single bay garage alters the features, spaces and spatial relationship that characterizes the property. Demolition of the garage is subject to discretionary review of the Development Review Board. See Section 5.4.8 (d).

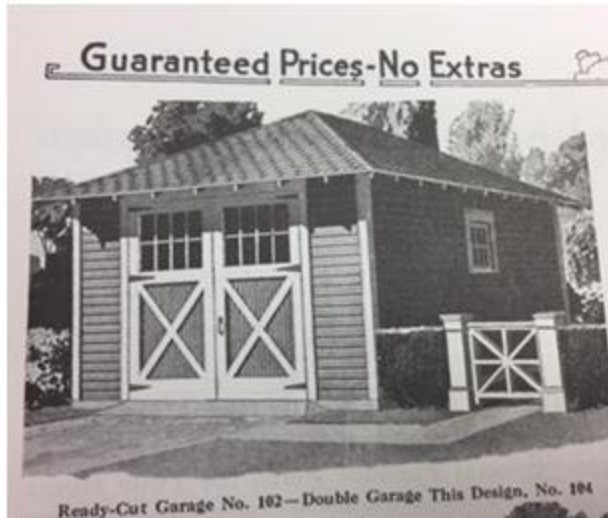
- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposed addition is not a conjectural feature, but readable as new construction.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Early automotive sheds are identified as significant within their context, and a tangible remnant of early automobile ownership. This application proposes demolition, which is under discretionary review by the DRB.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*



The Vermont State Register listing details the automobile shed as c 1925; contemporary with the home. It is highly possible that the home and garage were the result of “kit house plans”, pre-fabricated house and garage plans popularized by retailers like Sears and Roebuck, Aladdin, Gordon Van Tine and Bennett’s among others. The Gordon Van Tine Garage No. 102 (left) seems a close match, available in 1923.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement

of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.

The application proposes demolition with the addition of a substantial residential addition. Demolition is under discretionary review by the DRB.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Demolition is the most serious and irreversible of physical treatments.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

No archaeological resources have been identified at this site.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

The new addition is proposed to replace the c. 1925 garage. It will be differentiated from the historic home. The DAB must assess the compatibility in materials, features, size, scale, proportion and massing.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

While unlikely, the proposed addition may be removed in the future retaining the essential form and integrity of the historic home. The context will be altered, however, with removal of the original garage.

Section 5.4.8 (d) Demolition of Historic Buildings:

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. *A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*

The applicant has provided a letter from Marc Dowling, Licensed Architect (5.24.2021). His analysis determined the structure to be in stable condition. The remainder of the letter is relative to the community benefit of owner instruction in bicycle repair.

- B. *A statement addressing compliance with each applicable review standard for demolition;*

The application includes supporting information only relative to the owner's desire to create a home office and bicycle repair workshop.

- C. *Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:*

(i) the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,

(ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;

There is no claim for economic hardship, and no market value provided. There is no analysis about rehabilitation and reuse. Mr. Dowling's communication notes that building relocation would "greatly exceed...economic practicality."

- D. *A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;*

A redevelopment plan has been provided. See 38 Latham Court Final Permit Set.

and,

- E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

Elevations, drawings, plans and statements have been submitted for the new development.

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;*

The submitted architect's opinion indicates the garage is structurally stable.
or,

- B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;*

The desire is for an expansion to the existing home, not reuse of the garage. The owner has shared his effort to offer the building for relocation, but has not received any interest.
or,

- C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

The application weighs on the "community wide benefit" provision, as they intend to offer bicycle repair workshops. Of course any change in use of the property will require separate permitting.

The value of the redevelopment is primarily to enhance the use and enjoyment of the single family home.

And all of the following:

- D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

The existing single family home is impacted only with minor surface attachment by the proposed addition. The loss of an early 20th century automotive garage is, unfortunately, a swelling tide in the City. When land values increase, available "real estate" on individual parcels becomes revered for desired expansion. Coupled with their typical diminutive size that no longer accommodates a full size vehicle, these early garages face

extinction by the greater value in their footprint and loss of original function. As fewer remain, those still standing increase in importance.

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

As an accessory structure to an existing single family home, building demolition does not warrant documentation by HABS standards. This small structure is likely associated with the national proliferation of pre-fabricated structures or kit house plans, a phenomena already identified in Burlington. (See *A Guide to the Catalogue Houses in Burlington Vermont.*) Therefore, if approved, photo documentation of the structure for the zoning record will be required.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

This application includes a redevelopment plan that includes a replacement structure.

(i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

The DAB shall discern the compatibility of the replacement structure within the context of the architectural character of the home itself.

(ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project;*

The zoning permit, if approved, will have a three year life. All work must be completed within that timeframe.

and,

(iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

This shall be a condition of approval.

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

The applicant does not intend to deed-restrict the property to provide for open space.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be

required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

Items for the Board's consideration, if recommended for approval:

- A landscaping and tree removal plan will be required (as appropriate) for DRB review.
- Lighting information, including fixture specs, illumination levels and intended location are needed.
- Meters, utility connections, and any mechanical equipment must be illustrated on building elevations or site plan as appropriate.
- The garage door must operate differently to accommodate the two on-site required parking spaces.
- Confirmation is needed for intended fenestration pattern.
- The time frame between building demolition and new construction shall not exceed 6 months.
- No change in use is included within this proposal
- All building materials shall be disposed of in a safe and legal manner.
- Standard Permit Conditions 1-15.